

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

CIVIL COVER SHEET

PLAINTIFFS

RAUL GARCIA, on behalf of himself, FLSA Collective Plaintiffs and the Class ROTI RESTAURANTS, LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
C.K. Lee and Anne Seelig
Lee Litigation Group, PLLC
212.465.1180

ATTORNEYS (IF KNOWN)
Anjanette Cabrera, Naveen Kabir, and Stephen Stecker
Constangy, Brooks, Smith & Prophete LLP
646.341.6536

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Wage and Hour Class and Collective Action - FLSA, NY Labor Law, NYSHRL, NY Exec. Law, and NYCHRL

Judge Previously Assigned

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

NATURE OF SUIT

TOPICS

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY PRODUCT LIABILITY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE REAPPORTMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 410 ANTITRUST
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	[] 820 COPYRIGHTS			[] 430 BANKS & BANKING
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 830 PATENT			[] 450 COMMERCE
[] 152 RECOVERY OF DEFALTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 370 OTHER FRAUD	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[] 460 DEPORTATION
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 840 TRADEMARK		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE			[] 480 CONSUMER CREDIT
[] 161 OTHER CONTRACT	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	LABOR		[] 490 CABLE/SATELLITE TV
[] 162 CONTRACT PRODUCT LIABILITY			[] 710 FAIR LABOR STANDARDS ACT	[] 861 HIA (1395f)	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 163 FRANCHISE	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[] 720 LABOR/MGMT RELATIONS	[] 862 BLACK LUNG (923)	
[] 164		[] 463 ALIEN DETAINEE	[] 740 RAILWAY LABOR ACT	[] 863 DIWC/DIWV (405(g))	
[] 165		[] 510 MOTIONS TO VACATE SENTENCE	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 864 SSID TITLE XVI	[] 890 OTHER STATUTORY ACTIONS
[] 166		28 USC 2255		[] 865 RSI (405(g))	[] 891 AGRICULTURAL ACTS
[] 167	CIVIL RIGHTS	[] 530 HABEAS CORPUS	FEDERAL TAX SUITS		
[] 168		[] 535 DEATH PENALTY	[] 790 OTHER LABOR LITIGATION	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 893 ENVIRONMENTAL MATTERS
[] 169		[] 540 MANDAMUS & OTHER	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 871 IRS-THIRD PARTY	[] 895 FREEDOM OF INFORMATION ACT
[] 170		[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)		26 USC 7609	[] 896 ARBITRATION
					[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
					[] 950 CONSTITUTIONALITY OF STATE STATUTES
REAL PROPERTY			IMMIGRATION		
[] 210 LAND CONDEMNATION	[] 441 VOTING				
[] 211 FORECLOSURE	[] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION		
[] 212 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 550 CIVIL RIGHTS	APPLICATION		
[] 213 TORTS TO LAND	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION ACTIONS		
[] 214 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			
[] 215 ALL OTHER REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
			<input type="checkbox"/> a. all parties represented			
			<input type="checkbox"/> b. At least one party is pro se.	<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)		

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION	<input checked="" type="checkbox"/> 4 DIVERSITY (U.S. NOT A PARTY)
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IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	DEF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5	DEF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Bronx County, New York

(I have been unable, with reasonable diligence, to ascertain Plaintiff's full address.)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

600 W. Fulton, Suite 101, Chicago, Illinois 60601

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE	SIGNATURE OF ATTORNEY OF RECORD	ADMITTED TO PRACTICE IN THIS DISTRICT [] NO <input checked="" type="checkbox"/> YES (DATE ADMITTED Mo. <u>Sept.</u> Yr. <u>2005</u>) Attorney Bar Code # AC3922
RECEIPT #		

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)